

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Vivian Bert, et al.,	:	Case No. 1:02-cv-467
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
AK Steel Corporation,	:	
	:	
Defendant.	:	

ORDER

On April 23, 2008, the Court conducted a hearing with counsel for the parties concerning the Court's Order to Show Cause (Doc. 176). After careful consideration of the arguments presented, the Court orders:

1. Defendant's objections (Doc. 144) to the Magistrate Judge's Order, precluding Defendant from using the pre-employment test validation studies, are sustained. The Magistrate Judge's Order (Doc. 144) is vacated, for the reasons discussed during the hearing.

By agreement of the parties, Defendant will produce the non-redacted validation studies and the pertinent job analyses. The parties also agreed, and the Court finds, that a new motion and trial schedule is appropriate, given the complexity of the remaining issues.

2. The parties will consult their respective experts concerning realistic timetables for completion of expert reports and discovery on the test data and related subclass certification questions, and the validation studies issues. The parties shall submit a joint proposed discovery and dispositive motion schedule no later than May 1, 2008.

3. Defendant's pending motion for summary judgment on the Ashland Subclass (Doc. 158) is denied **without prejudice** to appropriate renewal or supplementation after the additional discovery period. The portion of the pending motion concerning the Ashland Plaintiffs' EEOC notices is denied, however, as the Court finds that Defendant was not substantially prejudiced by the late production of these notices.

4. Defendant's pending motion for summary judgment with respect to James Greenwood and the the Middletown Subclass (Doc. 157), is denied **without prejudice** to renewal or supplementation after the additional discovery period. The portion of that motion seeking judgment on the claims of Donald Edwards is being addressed in a separate order.

5. Defendant's motion to strike the March 5, 2008 Declaration of Dr. Bradley (Doc. 175) is denied, and Plaintiff's motion for leave to file a supplemental opposition to Defendant's Ashland motion (Doc. 174) is denied, both without prejudice to filing any appropriate motion or response to any renewed or

supplemental expert report or summary judgment motion.

6. Defendant's motion to correct the record (Doc. 180) is granted in part. The record does contain Susan Lester's deposition testimony that she kept test results in a "test file" at the Ashland plant. (Lester Deposition pp. 75-76)

SO ORDERED.

DATED: April 25, 2008

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court